

**NOTICE OF PROPOSED
SECTION 401 WATER QUALITY CERTIFICATION
DEPARTMENT OF HEALTH
WQC 0000154a
04-CW-WQC-02**

October 22, 2004

The Hawaii State Department of Health (Department) proposes to issue a Section 401 Water Quality Certification (WQC), which includes conditions and requirements, to the State of Hawaii Department of Land and Natural Resources, Division of Aquatic Resources, for the application of the Department of the Army (DA) Individual Permit (IP) under DA File No. 200400154 to be issued under the authorization of Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA) of 1899.

The applicant and agent information are as follows:

Applicant: State of Hawaii Department of Land and Natural Resources (DLNR)
Division of Aquatic Resources
1151 Punchbowl St., Room 330
Honolulu, Hawaii 96813

Contact Person: Mr. Brian Kanenaka
Ph. (808) 587-0332
Fax: (808) 587-0115

Project Name: Artificial Reef Development at Five (5) Existing Sites off the Islands of Oahu and Maui

The DLNR is applying for a new DA IP to continue artificial reef maintenance and expansion activities at five (5) existing artificial reef sites off the islands of Oahu and Maui. The prior DA permit (PODCO 2234) expired on December 31, 2003.

Material to be used to construct the reefs consist of contaminant-free vessels and surplus concrete material. No wood, plastics, or other pollutants will be utilized. Staff from the DLNR, United States Coast Guard (USCG), or the Department will inspect all potential reef material for contaminants and for potential hazards to divers. Deployment of the artificial reef material usually takes between two (2) to (4) four hours.

Locations, boundaries, and sizes of the five (5) existing artificial reef sites are described as follows:

<u>LOCATIONS</u>	<u>BOUNDED BY</u>	<u>ACREAGE</u>	<u>YEAR CONSTRUCTED</u>
Ewa Beach (Oahu)	A. 21°16'49"N, 158°01'21"W B. 21°16'56"N, 158°01'07"W C. 21°16'41"N, 158°01'17"W D. 21°16'49"N, 158°01'03"W	31 acres	1986
Kualoa (Oahu)	A. 21°34'42"N, 157°51'09"W B. 21°35'04"N, 157°50'26"W C. 21°31'42"N, 157°48'56"W D. 21°31'54"N, 157°48'24"W	1,727 acres	1972
Maunalua Bay (Oahu)	A. 21°14'58"N, 157°46'34"W B. 21°15'14"N, 157°46'03"W C. 21°15'06"N, 157°45'58"W D. 21°14'50"N, 157°46'29"W	74 acres	1961
Waianae (Oahu)	A. 21°25'35"N, 158°11'58"W B. 21°25'36"N, 158°11'45"W C. 21°24'48"N, 158°11'54"W D. 21°24'48"N, 158°11'40"W	141 acres	1963
Keawakapu (Maui)	A. 20°41'18"N, 156°27'36"W B. 20°42'18"N, 156°27'30"W C. 20°41'48"N, 156°27'18"W D. 20°41'48"N, 156°27'12"W	52 acres	1962

All five (5) existing artificial reef sites are classified by the Department as “Class A, Marine Waters” and “Class II, Marine Bottom Ecosystems”. Hawaii Administrative Rules (HAR), §11-54-03(c)(2) states, in part, that “It is the objective of Class A waters that their use for recreational purposes and aesthetic enjoyment be protected. Any other use shall be permitted as long as it is compatible with the protection and propagation of fish, shellfish and wildlife, and with recreation in and on these waters. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for this class.”

HAR, §11-54-03(d)(2) states, in part, that “It is the objective of Class II marine bottom ecosystems that their use for protection including propagation of fish, shellfish, and wildlife, and for recreational purposes not be limited in any way. The uses to be protected in this class of marine bottom ecosystems are all uses compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation.”

Existing uses at the five (5) existing artificial reef sites include recreational/commercial fishing and diving activities. The applicant has indicated that the proposed project will provide the public with additional fishing and diving opportunities through the creation of artificial reefs. The established existing sites are in relatively flat, barren, and unproductive areas of the ocean bottom, and are naturally barren or devoid of coral reefs. The new habitat would provide additional shelter for various reef fish species and other marine life, and may increase reef fish population and increase coral growth.

The applicant has also indicated that there should not be any adverse effects on existing aquatic animals and habitats from the proposed activity. Any disturbances to existing animals and habitat will be temporary and limited to the duration of the deployment of the artificial reef material.

Based on an evaluation of the Section 401 WQC application, the supporting information, which are relevant to water quality considerations, there is reasonable assurance that the proposed activities will be conducted in a manner which will not violate the applicable water quality standards and will comply with the applicable provisions of CWA, Sections 301, 302, 303, 306, and 307.

The Section 401 WQC shall expire five (5) years from the issuance date of the Section 401 WQC, or until the applicable water quality standards (WQS) are revised or modified, or when the project construction is completed or the applicable DA IP File No. 200400154 expires, whichever is earliest. If the applicable State WQS is revised or modified during the five-year period and the discharge activity complies with the revisions or modifications, this Section 401 WQC shall continue to be valid for the remainder of the five-year period.

Persons wishing to comment upon or object to the proposed determinations or request a public hearing should submit their comments or request in writing no later than 30 days from the date of this notice either in person or by mail, to:

<u>Office Address:</u>	<u>Mailing Address:</u>
Department of Health	Department of Health
Environmental Management Div.	Environmental Management Div.
Clean Water Branch	Clean Water Branch
919 Ala Moana Boulevard, Rm. 301	P.O. Box 3378
Honolulu, Hawaii 96814-4920	Honolulu, Hawaii 96801-3378

Copies of the application, proposed Section 401 WQC and other information on file are available for public inspection, Monday through Friday (excluding holidays) from 7:45 a.m. until

4:15 p.m., at the Department office address shown above, and at the Maui District Health Office located at 54 High Street, Wailuku, HI 96793. Copies may be bought. The proposed Section 401 WQC and initial staff evaluation are also available on the internet at <http://www.hawaii.gov/health/environmental/water/cleanwater/pubntcs/index.html>. For more information or if you have special needs due to disability, please contact Mr. Alec Wong of the Clean Water Branch at the above address or at (808) 586-4309 (Voice), at least seven (7) days before the end of comment period. For those who use a TTY/TDD please call Verizon Hawaii

Telephone Relay Service, at 643-8822.

All written comments and requests received on time will be considered. If the Department determines that there is significant public interest, a public hearing may be held after at least 30 days of public notice.

If the Department's position is substantially unchanged, after considering all timely written comments and all oral comments at any public hearing that may be held, the Department will issue or deny the Section 401 WQC, as appropriate, and this action will be final.

Please notify anyone you know who would be interested in this matter.

Chiyome Leinaala. Fukino, M.D.
Director of Health

